

Clemens,
Crane,
Cranford
Finch,
Frank,

Kearby,
Kimbrough,
Maetze,
McKinney,
Page,

Simkins,
Stephens,
Townsend,
Tyler,
Weisiger.

YAYS—None.

The chair gave notice of signing and signed in presence of the Senate, Senate bill No. 206 entitled an act to amend article 1685 of the revised statutes of the State of Texas, concerning notice of special elections.

Senator Clemens moved to postpone pending business and take up the following:

CONCURRENT RESOLUTION.

Whereas, It is the policy of the government of the United States to cultivate a reciprocity of good will, of trade relations and of intercourse with the Republics of the two Americas, and especially with the nearest neighbor, the Republic of Mexico, and

Whereas, The State of Texas is vitally interested in such policy, and

Whereas, By reason of the short distance of the city of San Antonio from the Mexican border, the facility in reaching it from that country; the trade and commerce between said city and the people of Mexico, and the social ties that exist between many of the inhabitants of said city and citizens of the Mexican states, the International fair held annually at San Antonio, Texas, by the International Fair association of said city, may become an important factor in promoting that feeling of friendship and confidence necessary to the establishment of reciprocal and beneficial trade relations between the two governments; therefore, be it

Resolved by the Legislature of the State of Texas:

First—That the State of Texas approves the International fair at San Antonio, Texas, as having for its object the exhibition of the products of Texas and Mexico, and the cultivation of amity and commerce between the people of both countries.

Second—Resolved further, that the object of the said International fair at San Antonio, Texas, is commended to the notice of the government of the United States for such recognition and encouragement as it may deem proper to give.

The motion prevailed and the resolution was adopted.

House bill No. 142, entitled "An act to fix the time for holding the district court in the Twenty-fourth judicial district,"

Read first time and referred to committee on Judicial Districts.

Substitute House bills Nos. 24 and 167, entitled "An act to prohibit prize fighting and pugilism,"

Read first time and referred to Judiciary committee No. 2.

The following appointments by His Excellency, the Governor, were announced as confirmed by the Senate.

E. B. Smythe, A. P. Wooldridge and F. R. Lubbock to be commissioners of the State penitentiaries.

On motion of Senator Kimbrough Journal Clerk Brown was excused for today on account of important business.

Senator Seale moved to adjourn until 10 a. m. Monday.

Senator Johnson moved to adjourn to 10 a. m. Tuesday.

Lost.

The motion of Senator Seale was adopted.

THIRTY-FIFTH DAY.

SENATE CHAMBER.

AUSTIN, Texas, Feb. 23, 1891. }

Senate met pursuant to adjournment. Lieutenant Governor Pendleton in the chair.

Roll call.

Quorum present.

The following Senators answering to their names:

PRESENT—24.

Atlee,	Garwood,	McKinney,
Carter,	Glasscock,	Page,
Clark,	Ingram,	Pope,
Clemens,	Johnson,	Potter,
Crane,	Kearby,	Seale,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Tyler,
		Weisiger.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal Senator Stephens moved that further reading of the same be dispensed with.

PETITIONS AND MEMORIALS.

By Senator Garwood:

Petition by citizens of Fayette county favoring the repeal of the Sunday law, and asking that the sacred American rights of religious liberty, warranted by the constitution be allowed to prevail in this county and no legislation on religious subjects, as in foreign countries, be tolerated in Texas.

Read first time and referred to committee on State Affairs.

Senator Tyler called attention to error in Journal of Saturday, page 7, line 4, of the Journal the word county should read country.

Journal ordered corrected.

COMMITTEE REPORTS.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Penitentiaries, to whom was referred

Senate bill No. 195, being "An act to provide for and regulate the conveyance of convicts from the counties where sentenced, or where confined after sentence, to the penitentiary or the house of correction and reformatory,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FRANK, Chairman.

Bill read first time.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Penitentiaries, to whom was referred

Senate bill No. 298, being "An act to authorize and empower the superintendent of the State penitentiaries of Texas to receive from the treasurer of the United States, in the name of the State of Texas, the bounty on sugar raised and manufactured on the State penitentiary convict farms in Texas,"

Have had the same under consideration and report the same back to the Senate, with the recommendation that it do pass.

FRANK, Chairman.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Internal Improvements to whom was referred Senate bill No. 22, being "An Act to amend article 278, title 13, chapter 1, of the Revised Civil Statutes relating to railroads and other common carriers."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

JOHNSON, Chairman.

Bill read first time.

BILLS AND RESOLUTIONS.

By Senator Stephens:

An act to be entitled "An act to amend Article 672, Chapter 2, Title 22 of the revised civil statutes of the state of Texas, and to add thereto Article 672a.

Read first time and referred to Committee on counties and county boundaries.

Senator Glasscock offered the following resolution:

Resolved, that the thanks of the Senate are hereby extended to the

Austin and Northwestern railroad company for the excursion tendered this body over their road on yesterday and our thanks are also extended to the citizens of Marble Falls for courtesies shown the senators on said excursion while in their midst.

Adopted.

By Senator Garwood;

A bill to be entitled "An act to establish and maintain precinct school districts in the State of Texas and to provide for the support and maintenance of public free schools therein, and to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to committee on Education.

By Senator Simkins:

A bill to be entitled "An act to amend title 83, chapter 3 of revised civil statutes by adding thereto article 4333a."

Read first time and referred to Judiciary committee No. 1.

By Senator Page:

A bill to be entitled "An act to authorize the Governor to appoint a State revenue agent and to prescribe his powers and duties."

Read first time and referred to committee on State Affairs.

Senator Maetze moved to postpone pending business, and take up out of its regular order

Senate bill No. 172, entitled "An act to provide an annual pension of \$150 to M. B. Irwin, a surviving soldier of the Texas revolution.

Adopted, and bill read second time, with favorable committee report, and the following amendment:

Section 2. That on account of the dependent condition of the beneficiary herein, his aged and infirm condition, there exists an emergency and public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee amendment adopted, and the bill ordered engrossed.

Senator Maetze moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS—24.

Atlee,	Glasscock,	Page,
Clark,	Ingram,	Pope,
Clemens,	Johnson,	Potter,
Crane,	Kearby,	Seale,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Stephens,

Frank, Maetze Tyler.
Garwood, McKinney, Weisiger.
NAYS—None.

Bill read third and adopted by the following vote:

YEAS—24.
Atlee, Glasscock, Page,
Clark, Ingram, Pope,
Clemens, Johnson, Potter,
Crane, Kearby, Seale,
Cranford, Kimbrough, Simkins,
Finch, Lubbock, Stephens,
Frank, Maetze, Tyler,
Garwood, McKinney, Weisiger.

NAYS—None.

On motion of Senator Stephens, Senator Sims was excused indefinitely, on account of important business.

Senator Clemens moved to postpone pending business, and take up out of its regular order

Senate bill No. 211, entitled "An act to authorize the commissioner of agriculture, insurance, statistics and history to have made experiments in the utilization of lignite for fuel, and to make an appropriation therefor."

Adopted.

Senator Crane sent up the following privileged report:

COMMITTEE ROOM,
Austin, February 21, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Enrolled Bills have carefully examined and compared

Senate bill No. 206, being "An act to amend article 1685 of the revised civil statutes of the State of Texas, concerning notice of special elections."

And find the same correctly enrolled, and have this day, at 5 o'clock p. m., presented the same to the Governor for his signature.

CRANE, Chairman.

Senate bill No. 211 read third time and passed by the following vote:

YEAS—18.
Atlee, Ingram, McKinney,
Clemens, Johnson, Page,
Crane, Kearby, Pope,
Finch, Kimbrough, Stephens,
Frank, Lubbock, Tyler,
Glasscock, Maetze, Weisiger.

NAYS—6.

Clark, Garwood, Seale,
Cranford, Potter, Simkins,

Senator Weisiger moved to postpone pending business and take up out of its regular order Senate bill No. 98, entitled "An act to fix the time for holding the district court in the Twenty-fourth judicial district."

Adopted.

Bill read first time and passed.

Senator Glasscock moved to postpone pending business and take up out of its regular order Senate bill No. 160, entitled "An act to amend Section 45, Chapter 132 of the acts of the regular session of the Twentieth Legislature, entitled "An act to establish and maintain a system of public free schools of the state of Texas, and to repeal so much of Chapter 3, of Title 78 of the revised civil statutes of the State of Texas as refer to public free schools outside of incorporated cities and towns assuming or having control of their public free schools.

Adopted, and bill read second time, with favorable committee report and the following amendments:

Strike out "general revenue" wherever it occurs, and insert "public school fund." Also insert the words "and county judge" after the words "county superintendents," wherever it occurs in the bill.

Committee amendments adopted.

Senator Glasscock offered the following amendment:

Amend page 2 of the printed bill by striking out all after the word "court" in line 8, down to and including line 22, and insert in lieu thereof the following:

"On the second Monday in November of each year, provided such judge or county superintendent shall have made to the State superintendent of public instruction all reports required of him by law in respect to any matters appertaining to public free schools of his county and the commissioners court shall not approve, nor the county treasurer pay the voucher of any county judge or county superintendent for his compensation herein mentioned until such judge or county superintendent shall exhibit to said court and treasurer an acknowledgment of the receipt by such State superintendent of such reports, which receipt shall show the amount of compensation due the county judge or county superintendent as herein provided. And it shall be unlawful for the commissioners court to approve any voucher or the county treasurer to pay any voucher in excess of the amount certified by the said State superintendent of public instruction as due said county judge or county superintendent."

Adopted.

Senator Page offered the following amendment:

Amend line 25, page 2 of printed

bill by inserting the words "and communities" after the word "districts" and again the words "and communities" after the word "districts" in line 29; also the words "and communities" after the word "districts" in line 2, page 3 of the bill.

Adopted.

Senator Glasscock offered the following amendment:

Amend by adding to the bill the following: "Whereas, there are so many bills before the present legislature that the subject of legislation contemplated by this bill may not be enacted at this session of the Legislature, therefore an emergency exists requiring the constitutional rule for bills to be read on three several days be suspended and said rule is hereby suspended."

Adopted.

Senator Glasscock offered the following amendment:

Amend caption by adding in first line after figures "45." word and figures "and 46," and amend the bill by inserting on page 2, after line 22, the words "section 46."

Adopted.

The bill was ordered engrossed.

Senator Crane moved to postpone pending business, and take up out of its regular order

Substitute Senate bill Nos. 85 and 93, entitled "An act to amend chapter 1, title 17, of the revised civil statutes of the State of Texas by the addition of article 340c thereto,"

For the purpose of amending House amendment, and concurring in the same as amended.

Adopted, and House amendment read as follows:

Amend in section 1, line 23, after the words "general law," by adding thereto the following: "And all towns and villages incorporated under chapter 2, of title 17, of the revised civil statutes, or by special charter or otherwise, but which now have one thousand inhabitants or more and which have heretofore attempted to accept the provisions of their title in lieu of their said town or village charter and become incorporated cities of one thousand inhabitants or more."

In section 1, line 15, strike out the final word "to" and insert in lieu thereof the word "the."

Senator Crane offered the following amendment:

Amend House amendment by striking out the figure "2" in line three and

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insert "XI" in lieu thereof.

Adopted.

Senator Crane moved that the Senate concur in the House amendment as amended.

Adopted.

Senator Seale moved to postpone pending business and take up out of its regular order Senate bill No. 69, entitled "An act to provide for the appointment of district stenographers for the several judicial districts of this state, to define their duties, fix their compensation and provide for the payment of the same."

Adopted and bill read second time with favorable committee report and the following amendments:

Amend by inserting in line 13, after word "same" the following: "If anyone interested in the suit shall object to his performing the duties of stenographer in the trial of the case."

Amend line 1, section 4, page 2, by adding after "courts," "except in cases where counsel may agree to dispense with the services of said stenographer."

Insert in line 4, page 2, after the word "cause," "where the charge is written."

Senator Seale offered the following amendment:

Amend committee amendment by striking out the figure 4, and insert the figure 11.

Adopted.

Senator Seale offered the following amendment:

Amend the committee amendment by striking out the figure 2, and inserting the figure 3, in the second committee amendment.

Adopted.

The chair announced that there would be a reception at the Governor's mansion next Friday evening, and that Senators were requested to be present.

The committee amendments to the pending bill were adopted as amended.

Senator Seale offered the following amendment:

Amend committee amendment by striking out the figure 7 in third amendment and insert the figure 6

Senator Glasscock offered the following amendment:

Amend by adding: Add section 12, "Any district stenographer who shall wilfully make out any false statement of facts or the evidence adduced on the trial of any case, or who shall act in a partial manner to either party to a suit in making out the evidence or

statement of facts in any case, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty nor more than five hundred, and may be imprisoned in the county jail for any period of time not exceeding six months."

Adopted.

Senator Potter offered the following amendment:

Amend by adding section 13. There shall be charged by the clerk of the court, upon the order of the judge of such court, as part of the costs in each civil case tried before such court, a fee of not less than two, nor more than twenty dollars, to be fixed by such judge, according to the amount of such work done in said cause, and the solvency of the parties to the suit, and when such fee is so collected by such clerk, the same shall be paid to the treasurer of the State of Texas, and go into the fund to pay the salary of such stenographers.

Adopted.

Senator Tyler offered the following amendment:

Amend section 7 by inserting after the word "and," in line 24, the following: "If agreed to by the parties, or their counsel, or on their failure to agree, certified to by the court," and by striking out all of said section after the word "appeal," in line 25.

Adopted.

Senator Glasscock moved to reconsider.

Adopted.

The question recurring to the adoption of Senator Tyler's amendment, it was adopted.

Senator Stephens offered the following amendment:

Amend by striking out the word "state," line 2, page 3, and insert in lieu thereof the words "county or counties composing any judicial district and if any district is composed of more than one county, then the salary herein provided for shall be paid pro rata by all of such counties, according to the number of inhabitants in such counties."

Second, strike out the word "state" and all thereafter in line 8, page 3, and insert in lieu thereof the words "county or counties of such district on the warrant of the county commissioners court. Provided that no county shall pay any such salary unless the commissioners court of each county shall by an order of their court accept the provisions of this act."

Withdrawn.

The engrossment of the bill was ordered by the following vote:

YEAS—12.

Atlee,
Clemens,
Garwood,
Glasscock.

Ingram,
Lubbock,
Page,
Pope.

Potter,
Seale,
Simkins,
Tyler,

NAYS—10.

Clark,
Crane,
Cranford,

Jonn on,
Kearby,
Kimbrough,

Maetze,
McKinney,
Ste hens,
Weisiger,

Senator Finch announced that he was paired with Senator Sims. If the latter Senator were present he would vote aye, and himself (Senator Finch) would vote no.

Senator Frank announced that he was paired with Senator Townsend. If the latter Senator were present he would vote aye, and himself (Senator Frank) would vote no.

Senator Simkins moved to postpone pending business, and take up out of its regular order

Senate bill No. 254, entitled "An act to amend section 6, of chapter 59, of the acts of 1889, entitled an act to amend sections 2 and 6, of chapter 131, of an act to provide for the appointment of receivers, and to define their powers and duties, and to regulate proceedings under such appointment of receivers, as passed by the Twentieth Legislature, and approved April 2, 1887."

Which motion prevailed, and bill read second time, with a favorable committee report.

Senator Lubbock sent up the following for insertion in the Journal:

ENGROSSMENT OF TEXT BOOK BILL.

I vote "no" because while I am friendly to the objects of the bill, the sections exempting cities and towns who have heretofore assumed control of their schools having been stricken out. I believe the operations of the act will be hurtful, unreasonably oppressive and expensive to the said cities and towns.

LUBBOCK.

Senator Simkins offered the following amendment to the pending bill:

Amend by adding the following at the end of the bill on page 5 after word "cases" in line 9:

"Provided, that should the receiver desire to suspend the collection of the judgment pending the appeal or writ of error, he shall be required to give such supersedeas bond as is now required of other litigants in articles 1404, 1405 and 1406 of the revised civil statutes of the State of Texas, which bond shall be conditioned as provided in said articles."

Adopted.

Senator Simkins offered the following amendment:

Amend by adding the emergency and public necessity clause to read as follows: "The number of appeals taken by receivers throughout the State for the purpose of delaying the collection of claims, causing great loss to litigants, creates an emergency and imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Simkins moved that the constitutional rule requiring a bill to be read on three several days be suspended and the bill put on its third reading and final passage.

It was adopted by the following vote:

YEAS—23.

Atlee,	Ingram,	Pope,
Clark,	Johnson,	Potter,
Clemens,	Kearby,	Seale,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Tyler,
Garwood,	McKinney,	Weisiger,
Glasscock,	Page,	

NAYS—1.

Crane.

Bill read third time, and passed by the following vote:

YEAS—24.

Atlee,	Glasscock,	Page,
Clark,	Ingram,	Pope,
Clemens,	Johnson,	Potter,
Crane,	Kearby,	Seale,
Cranford,	Kimbrough,	Simkins,
Finch,	Lubbock,	Stephens,
Frank,	Maetze,	Tyler,
Garwood,	McKinney,	Weisiger,

NAYS—None.

Senator Stephens moved to postpone pending business and take up out of its regular order.

Senate bill No. 214, entitled "An act to amend Article 686 of the revised civil statutes of the state of Texas by adding thereto other articles to be known as articles 686a, 686b, 686c, 686d and 686e, and to provide for establishing surveying and marking the boundary lines of unorganized counties of this state.

Which motion prevailed and the bill read second time with a favorable committee report.

Senator Frank offered the following amendment:

Amend by adding the word "lineal"

before mile in Section 1, page 2, line 16.

Adopted.

The bill was ordered engrossed.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage, which was adopted by the following vote:

YEAS—22.

Atlee,	Ingram,	Page,
Clemens,	Johnson,	Pope,
Cranford,	Kearby,	Potter,
Finch,	Kimbrough,	Seale,
Frank,	Lubbock,	Simkins,
Garwood,	Maetze,	Stephens,
Glasscock,	McKinney,	Tyler,
	Weisiger,	

NAYS—None.

Bill read third time and passed by the following vote:

YEAS—23.

Atlee,	Glasscock,	Pope,
Clark,	Ingram,	Potter,
Clemens,	Kearby,	Seale,
Crane,	Kimbrough,	Simkins,
Cranford,	Lubbock,	Stephens,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	

NAYS—None.

Senator Lubbock moved to postpone pending business and take up substitute Senate bills Nos. 152 and 187, entitled, "An act to make it unlawful for any person to sell illuminating oil composed of petroleum, kerosene or any product thereof to any person within this state the fire test of which is less than 110 degrees Fahrenheit and to provide penalties therefor.

Adopted and bill read second time.

The committee substitute was adopted and read as follows:

IN THE SENATE.

February 3, 1891.—Reported favorably by committee, and read first time.

Section 1. Be it enacted by the Legislature of the State of Texas, That it shall be unlawful for any person to sell in this State any refined petroleum, kerosene or any other illuminating fluid composed in whole or in part of petroleum or any product thereof, be the same designated by any name whatever, the fire test of which is less than 110 degrees Fahrenheit.

Section 2. Any person or persons, whether acting as agents of other persons or corporations, or for themselves, who shall violate any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and

upon conviction thereof in any court of competent jurisdiction shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars.

Senator Page offered the following substitute for the committee substitute:

Senate substitute bill for 152 and 187, a bill to be entitled "An act to make it unlawful to sell illuminating oil composed of petroleum, kerosene or any product thereof to any person within the state, the flash test of which is less than 110 degrees Fahrenheit, to prescribe methods for making a test of the same and to provide penalties for a violation of the provisions thereof."

Section 1. Be it enacted by the legislature of the state of Texas that it shall be unlawful for any person, firm, association or corporation, their agent or agents dealing by wholesale or retail in refined petroleum, kerosene or other illuminating fluids composed in whole or in part of petroleum or any product thereof designated by whatever name, to sell the same in this state the flash test of which is less than 110 degrees Fahrenheit, provided,

Section 2. Any person, firm, association or corporation, their agent or agents, who shall violate the provisions of section 1 of this act shall be guilty of misdemeanor, and on conviction thereof shall be fined in any sum not less than \$25 nor more than \$500.

Section 3. In addition to the penalty provided in section 2 of this act, damages in the penal sum of not less than \$35 nor more than \$100 for each and every violation of the provisions of section 1 of this act may be recovered in any court of competent jurisdiction by any retail dealer in the illuminating fluids aforesaid, of any person, firm, company or corporation who shall by agent or otherwise sell to such retail dealer any of the illuminating fluids described in section 1 of this act the flash test of which is less than 110 degrees Fahrenheit.

Section 4. The flash test hereinbefore referred to shall be determined by means of what is known as the Foster cup.

Section 5. In the event that a State board of health is established by the legislature, such board or any member thereof shall be and they are hereby authorized to make a test of any illuminating fluid hereinbefore described at any time they may see fit,

or may be called on to do so. Provided, however, that such test shall be made without cost or expense to the individual or firm furnishing such fluid or test. And it is further provided, that the certificate of the State board of health, or the member thereof making the test, certifying under oath that he or they have tested the illuminating fluid aforesaid in the manner hereinbefore provided for, and that such certified test is correct shall be admitted in any court in which prosecutions, both civil and criminal may be pending or may be brought under the provisions of this act.

Section 6. If no state board of health be established by the legislature then the professor of chemistry at the State university at Austin be and he is hereby empowered to perform all the duties and requirements, and to exercise all the function prescribed for the State board of health, in section 5 of this act.

Section 7. The fact that there is no law to protect the people of the state from adulterated and impure illuminating oils creates an imperative public necessity, justifying the suspension of the constitutional rule requiring bills to be read on three several days, and it is so enacted.

Senator Stephens offered the following amendment:

Amend section 4, line 3, by adding before the word "violate" the word "knowingly."

Which was read and ordered to lie on the table, subject to call.

On the question to adopt Senator Page's substitute, the same was adopted by the following vote:

YEAS—15.

Atlee,	Johnson,	Pope,
Clark,	Kearby,	Simkins,
Crane,	Lubbock,	Stephens,
Cranford,	McKinney,	Tyler,
Garwood,	Page,	Weisiger.

NAYS—7.

Finch,	Glasscock,	Kimbrough,
Frank,	Ingram,	Maeze,
		Pötter.

Senator Stephens called up his amendment pending on adjournment.

Senator Crane called attention to an omission in Saturday's Journal, which should say:

The chair gave notice of signing, and signed in the presence of the Senate.

Senate bill No. 206, entitled "An act to amend article 1685 of the revised statutes of the State of Texas,

concerning notice of special elections." The correction was ordered to be made.

Senator Johnson moved to adjourn to 10 a. m. tomorrow in honor of Washington's birthday.

Lost.

Senator Johnson moved to adjourn to 10 o'clock tomorrow, which the chair ruled out of order.

The chair announced the following joint committees:

Committee on the part of the Senate to visit the educational institutions of the State: Senators Simkins and Garwood.

To visit the Southwest asylum: Senators Harrison and Weisiger.

Senator Page moved to adjourn to 9:30 a. m. tomorrow, which prevailed by the following vote:

YEAS—15.

Clark,	Johnson,	Page,
Crane,	Kearby,	Pope,
Cranford,	Kimbrough,	Simkins,
Garwood,	Lubbock,	Tyler,
Ingram,	McKinney,	Weisiger.

NAYS—8.

Atlee,	Finch,	Maetze.
Clemens,	Frank,	Potter,
	Glasscock,	Stephens,

THIRTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, February 24, 1891.

Senate met pursuant to adjournment.

President pro tem Cranford in the chair.

Roll called.

No quorum present.

The following Senators answering to their names:

PRESENT—18.

Carter,	Ingram,	Potter,
Clemens,	Johnson,	Sale,
Cranford,	Kearby,	Simkins,
Finch,	Maetze,	Stephens,
Frank,	McKinney,	Townsend,
Glasscock,	Page,	Tyler,

ABSENT—9.

Atlee,	Garwood,	Lubbock,
Crane,	Harrison,	Pope,
Cranford,	Kimbrough,	

Senator Carter moved a call of the Senate which was ordered: The following Senators answered to their names:

PRESENT—21.

Clark,	Ingram,	Potter,
Cranford,	Johnson,	Sale,
Carter,	Kimbrough,	Simkins,

Clemens,
Finch,
Frank,
Glasscock.

McKinney,
Kearby,
Maetze,
Page.

Stephens,
Townsend,
Tyler,
Weisiger.

ABSENT—5.

Atlee,
Harrison,

Crane,
Lubbock.

Garwood,

The roll call developed a quorum present.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the Journal on motion of Senator Kimbrough further reading of the same was dispensed with.

Senator Frank called attention to error in the Journal of yesterday. In his announcement that he was paired with Senator Townsend on the vote to engross Senate bill No. 69, Journal shows that Senator Townsend would vote no and he (Senator Frank) would vote aye, whereas it should show exactly the reverse.

Journal was ordered to be so corrected.

On motion of Senator Carter the call was suspended.

Senator Weisiger called attention to error in the Journal where it showed that Senate bill No. 98 was read first time and passed, typographical error was corrected to show the bill read third time and passed.

COMMITTEE REPORTS.

COMMITTEE ROOM,

AUSTIN, February 24, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Substitute House bills Nos 24, 167, being "An act to prohibit prize fighting and pugilism,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

With the following amendment:

Strike out lines 15 and 16 in section 1 and insert in lieu thereof the following: "by fine of not less than \$500 nor more than \$1000, and by punishment in the county jail not less than sixty days nor more than one year."

All of which is respectfully submitted.

TYLER, Chairman.

Bill read first time.

COMMITTEE ROOM,

Austin, February 24, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 2, to whom was referred

Senate bill No. 286, being "An act to amend article 4420, chapter two (2),